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BY ECF & OVERNIGHT DELIVERY (W/ENCLOSURE)

Hon. Sandra L. Townes  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Afrim Kupa, et al.  
11 Cr 345 (SLT)

Dear Judge Townes:

I have reviewed the government's opposition to Mr. Kupa's pre-trial motion to suppress evidence seized during a search of his residence. This will serve as a brief reply.

There does not appear to be a need for a Franks hearing, since the government seems to "concede" that the word "coke" is not overheard on the tape recording of a June 28, 2011, conversation between Afrim Kupa and CS1. But I have, in any event, enclosed a copy of the recording for Your Honor's *in camera* review. As the government explained in its opposition to the motion, "[w]ith respect to whether the word 'coke' can be heard...the government concedes that the sound on that portion of the recording is low." See government's opposition at page 19.

The government's argument that the word "coke" was not deliberately included in the affidavit to mislead or included with a reckless disregard for the truth, however, strains credulity. None of the information provided by CS1 was ever corroborated by independent law enforcement investigation prior to the search. So, the word "coke" was purposely included in the affidavit to ensure that the premises could be searched for cocaine.

Respectfully yours,

/JRF/

James R. Froccaro, Jr.

JRF:tp  
Encl.